THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.21746 OF 2006

DATED: 05-02-2007

BETWEEN

Sri Anjaneya Swamy Temple,
Korutla V & M, Karimnagar District,
Rep. by its President Guntuka Gnaneswar,
S/o. Chinniah, C/o. Guntuka Complex,
Korutla V & M, Karimnagar District.

...PETITIONER

AND

The Commissioner of Prohibition & Excise,
A.P., Hyderabad and others.

...RESPONDENTS

ORDER:

The writ petition has been filed seeking a Writ of Mandamus to declare the inaction of the respondents 1 to 3 in permitting the fourth respondent to run a bar in the name of M/s. Ambey Bar and Restaurant in premises bearing No.1-1-1229, Bus Stand Road, Korutla, Karimnagar District as contrary to the express stipulations laid down in Rule 6 of the Andhra Pradesh Excise (Grant of Licence of Selling by Bar and Conditions of Licence) Rules, 2005 (for short 'the Rules').

2. Counter has been filed by the second respondent stating that as the enquiry revealed that the proposed bar and restaurant is within the prohibition prescribed distance of 100 meters as per Rule 6 of the Rules, a report was submitted to the Deputy Commissioner of Prohibition & Excise, who is the licencing authority, recommending not to grant licence. The Deputy Commissioner vide orders dated 29.01.2007 rejected the application of the fourth

respondent for grant of bar licence.

3. In view of the aforesaid counter, as action has already been taken, no further orders are required to be passed in the writ petition. However, if the fourth respondent is aggrieved by the said order it is open for him to question the order in appropriate proceedings.

The writ petition is accordingly dismissed with a liberty to the fourth respondent to question the order dated 29.01.2007. There shall be no order as to costs.

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V. ESWARAIAH, J

February 5, 2007
DSK